

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

OHIO V.I., INC. d/b/a LITTLE CAESARS

and

Case 08-CA-181629

LEIRIMAR RODRIGUEZ

OHIO V.I., INC. d/b/a LITTLE CAESARS

and

Case 08-CA-181658

LUIS RAMOS

DECISION AND ORDER

Statement of the Cases

On January 23, 2017, Ohio V.I., Inc. d/b/a Little Caesars (the Respondent), Charging Parties Leirimar Rodriguez and Luis Ramos, and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the parties waived their rights to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

(a) At all material times, the Respondent has been a Michigan corporation with an office and place of business in Lorain, Ohio (the Respondent's facility), and has been operating a public restaurant selling food and beverages.

(b) Annually, in conducting its operations, as described above in paragraph 1(a), the Respondent purchased and received at its Lorain, Ohio facility goods and materials valued in excess of \$50,000 directly from points outside the State of Ohio.

(c) At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), 2(6), and 2(7) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondent, Ohio V.I., Inc. d/b/a Little Caesars, Lorain, Ohio, its officers, agents, successors and assigns, shall

1. Cease and desist from

(a) Interfering with, restraining, or coercing employees in the exercise of rights guaranteed by Section 7 of the Act.

(b) Retaliating against employees for talking about their terms and conditions of employment, including scheduling and shift exchange practices or engaging in other concerted activities with respect to their terms and conditions of employment.

(c) Removing employees from their schedule and discharging employees in retaliation for their concerted activities.

(d) In any other manner, interfering with, restraining or coercing employees in the exercise of their Section 7 rights under the Act.

2. Take the following affirmative actions necessary to effectuate the policies of the Act.

(a) Within 14 days from the date of the Board's Order, make Leirimar Rodriguez and Luis Ramos whole for their loss of earnings resulting from the Respondent's July 24, 2016 action of removing them from the schedule and discharging them on July 25, 2016 because Rodriguez and Ramos engaged in concerted activities. Rodriguez is to be paid \$500.00. Ramos is to be paid \$1,100.00. Rodriguez and Ramos are not seeking reinstatement to their former positions.

(b) Within 14 days from the date of the Board's Order, provide Rodriguez and Ramos with written confirmation that any records of their removal from the schedule and their discharges have been expunged from all of the Respondent's files.

(c) Within 14 days of service by the Region, post at the Respondent's facility copies of the attached notice, marked Appendix A. Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representatives, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent

will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.

(d) Within 21 days after service by the Region, file with the Regional Director for Region 8 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., April 11, 2017

Philip A. Miscimarra, Acting Chairman

Mark Gaston Pearce, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose a representative to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT retaliate against employees who have engaged in protected concerted activities such as concertedly complaining about scheduling and shift swapping practices or questioning the fairness of our scheduling practices and our approvals of shift swapping.

WE WILL NOT remove employees from the schedule or discharge employees in retaliation for their protected concerted activities, including their concerted complaints regarding their terms and conditions of employment.

WE WILL NOT, in any other manner, interfere with your rights under Section 7 of the Act.

WE WILL MAKE Leirimar Rodriguez and Luis Ramos whole for losses suffered as a result of our action in removing Rodriguez and Ramos from the schedule and terminating their employment. Rodriguez and Ramos are not seeking reinstatement. **WE WILL** provide Rodriguez and Ramos with written confirmation that records of their unlawful removal from the schedule and termination have been expunged from our files.

OHIO V.I., INC. D/B/A LITTLE CAESARS

The Board's decision can be found at www.nlr.gov/case/08-CA-181629 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

